

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT C. SMITH,

Plaintiff,

NO. C11-5080 RJB/KLS

V.

DOUG WADDINGTON, RUSSELL
AMARU, and ERIC HERNANDEZ.

Defendants.

ORDER GRANTING EXTENSION OF
TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

Defendants' Motion for Summary Judgment (ECF No. 49) is presently pending before the Court. Plaintiff filed a motion requesting additional time to respond to the motion and an order directing individuals at the Washington State Penitentiary (WSP) to return his legal files and give him law library access. ECF No. 54. Defendants do not oppose an extension of Plaintiff's deadline to respond to their motion. ECF No. 58. Defendants state that they are unable to respond to Plaintiff's remaining requests except to state that it appears he was transferred to WSP and that an inmate's files take some time to arrive following a transfer. *Id.* Plaintiff replies that as of February 28, 2012, he had not received his files. Plaintiff asks that the Court order Defendants to return his files and allow him access to the library. Plaintiff requests that his time to respond to Defendants' motion be extended until after he has received his files and law library access. *Id.*

1 Plaintiff's transfer to another facility and the transfer of his legal files is sufficient
2 reason to warrant an extension of his deadline to file a response to Defendants' motion for
3 summary judgment. If employees at WSP, who are not parties to this lawsuit, are hindering
4 Plaintiff's access to the law library or to his legal materials, Plaintiff should address these
5 issues through the appropriate channels at his present institution. Plaintiff may seek
6 additional continuance if his legal materials are not timely received.
7

8 Accordingly, it is **ORDERED**:

9 (1) Plaintiff's motion for continuance (ECF No. 54) is **GRANTED in that**
10 Plaintiff's response to Defendants' Motion for Summary Judgment (ECF No. 49) shall be **due**
11 **on or before April 2, 2012.** Defendants may file a reply **on April 6, 2012.** The Clerk shall
12 **re-note** Defendants' Motion for Summary Judgment (ECF No. 49) for **April 6, 2012.**
13 Plaintiff's motion (ECF No. 54) is **DENIED** in all other respects.
14

15 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for
16 Defendants.

17 **DATED** this 14th day of March, 2012.
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20 Karen L. Strombom
21 United States Magistrate Judge
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